

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   )  
                                  )  
v.                            )                                    CRIM. NO. 97-091 (JAF)  
                                  )  
JEANNETTE SOTOMAYOR-VAZQUEZ, )  
                                  )  
Defendant.                   )  
                                  )  
\_\_\_\_\_

**MOTION FOR ORDER OF CONTEMPT**

TO THE HONORABLE COURT:

COMES NOW the defendant, *Jeannette Sotomayor-Vazquez*, through the undersigned attorney, and most respectfully states, alleges, and prays as follows:

1.       The defendant appears before this Honorable Court through the undersigned counsel once again to attempt to resolve the issue of the payment of her restitution Order and fine imposed upon her by the Court at her sentencing in 1999.
2.       On April 10, 2007, the appearing party filed a “Motion Requesting Order,” Dkt. # 1703, requesting essentially two things: (1) that the Court Order the government to determine what amount was retained by the BOP and counted towards the payment of her restitution and fine; and (2) that the Court enter an Order accepting that Mrs. Sotomayor’s pending obligation was as described in the motion. The facts underlying this issue are succinctly summarized in that motion, and hence will not be repeated therein. It only merits highlighting that the Court years ago had approved a

payment plan of \$250.00 a month towards the entire debt, which Mrs. Sotomayor has faithfully complied with.

3. The Court granted the defendant's motion On May 22, 2007. Dkt. # 1712. Mrs. Sotomayor's pending obligation as of April, 2007 was as follows: of a total restitution and fine amount of \$45,689.49, she had made 39 payments of \$250, for a total of \$9750; therefore, she had an outstanding balance of 143 payments of \$250.00 and a final payment of \$189.48. Since then, Mrs. Sotomayor has made an additional 12 payments of \$250, leaving her a final balance of 131 payments of \$250 and a final payment of \$189.48, for a total of \$32,939.48.

4. Since then, the government authorities have failed to make the necessary adjustments to conform their calculations to the Court's restitution and fine orders. As evinced by the two exhibits attached, on October 18, 2007, the U.S. Department of Justice sent a "Debtor Statement" to Mrs. Sotomayor which lists the balance as of 9/5/2007 as \$38, 817.57. This is approximately \$4000 higher than it should have been at that time. Worst still, the next month the U.S. Department of Justice sent the "Debtor Statement" which is attached to this motion listing the balance as of 10/4/2007 at \$55,556.68, or a one month increase of almost \$17,000. Worst of all, on April 23, 2008, the Social Security Administration sent Mrs. Sotomayor a Notice (attached) advising her that because she has a delinquent debt with the U.S. Attorney's Office in Puerto Rico (which she does not), her social security benefits (on which Mrs. Sotomayor relies heavily for her living expenses) will be reduced by 15%.

5. None of the notices sent to Mrs. Sotomayor and attached to this motion are signed by an identifiable official. Since the Social Security Administration is

referencing the U.S. Attorney's Office as the source of the delinquent debt, we can only conclude that this Court's Orders have been ignored by the pertinent collection officials at the U.S. Attorney's Office on Puerto Rico. Thus, we are left with no choice but to request this Court to Order the pertinent collection official at the U.S. Attorney's Office for the District of Puerto Rico to appear in Court and show cause why he or she should not be found in contempt for having ignored this Court's prior Order and having placed Mrs. Sotomayor's Social Security benefits at risk. We have filed several motions on this issue and never requested this extreme remedy but, having reached out to the U.S. Attorney's Office on several occasions and even to our courts of law seeking the protection that she feels she rightfully deserves, Mrs. Sotomayor is powerless to resolve the situation. Of course, we are not interested in seeing any particular person being found in contempt (perhaps this is simply a federal bureaucracy problem); what we want is for this situation to be resolved once and for all.

WHEREFORE, the appearing party requests that the Court grant the above.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that on this date I electronically filed the foregoing motion with the Clerk of the U.S. District Court using the CM/ECF system which will send notification of such filing to all parties of record.

At San Juan, Puerto Rico, on this the 28th day of March of 2008.

**LAW OFFICES OF  
FRANCISCO REBOLLO-CASALDUC**

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S/Francisco Rebollo Casalduc

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